



# State of Wisconsin


LEGISLATIVE REFERENCE BUREAU

## **RESEARCH APPENDIX -** **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 01/23/2009 (Per: MES)



### Appendix A

 The 2007 drafting file for LRB-2942

has been transferred to the drafting file for

**2009 LRB-1759**

☛ This cover sheet, the final request sheet, and the final version of the 2007 draft were copied on yellow paper, and returned to the original 2005 drafting file.

☛ The attached 2007 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the complete drafting file were transferred, as a separate appendix, to the 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

**2007 DRAFTING REQUEST****Bill**Received: **06/04/2007**Received By: **mshovers**Wanted: **As time permits**

Identical to LRB:

For: **Pat Kreitlow (608) 266-7511**By/Representing: **Matt**This file may be shown to any legislator: **NO**Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Local Gov't - counties**  
**Local Gov't - munis generally**  
**Local Gov't - misc**  
**Insurance - health**

Extra Copies: **PJK**Submit via email: **YES**Requester's email: **Sen.Kreitlow@legis.wisconsin.gov**

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

County housing authorities may join a self-insured health insurance pool with political subdivisions.

**Instructions:**

See Attached. Amend s. 59.52 (11) (c) to authorize a county housing authority to join a self-ins. pool w/ political subdivisions.

**Drafting History:**

| <u>Vers.</u> | <u>Drafted</u>         | <u>Reviewed</u>      | <u>Typed</u>          | <u>Proofed</u> | <u>Submitted</u>      | <u>Jacketed</u> | <u>Required</u> |
|--------------|------------------------|----------------------|-----------------------|----------------|-----------------------|-----------------|-----------------|
| /?           |                        |                      |                       |                |                       |                 | Local           |
| /1           | mshovers<br>07/09/2007 | bkraft<br>07/09/2007 | nnatzke<br>07/09/2007 |                | lparisi<br>07/09/2007 |                 |                 |

FE Sent For:

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|---------|----------|-----------|---------|---------|-----------|----------|----------|
| 1/2     | mshovers | 1 bjk 7/9 | nwn 7/9 | nwn 7/9 |           |          |          |
| 11 ME S | 7/9/07   | 1 jld 7/9 |         |         |           |          |          |

FE Sent For:

<END>



**STATE SENATOR  
PAT KREITLOW**

**FAX COVER SHEET**

**DATE: May 30, 2007**

**TO: Marc Shovers 264.6948 (fax)**

**FROM: Matt Pagel 266.7511**

**PAGES: 5**

**RE: Health Pools for Chippewa County Housing Authority**



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

J.B. VAN NOLLEN  
ATTORNEY GENERAL

Raymond P. Taffora  
Deputy Attorney General

17 W. Main Street  
P.O. Box 7857  
Madison, WI 53707-7857  
www.dej.state.wi.us

F. Thomas Croeran III  
Assistant Attorney General  
608/266-8549  
croeranft@dej.state.wi.us  
FAX 608/267-2223

January 9, 2007

Ms. Ruth Rosenow  
Executive Director  
Chippewa County Housing Authority  
711 North Bridge Street, #14  
Chippewa Falls, WI 54729

Dear Ms. Rosenow:

Your letter dated November 30, 2006, has been referred to me for reply. In your letter, you appear to inquire about the correctness of a January 3, 2005 e-mail to you from Chippewa County Corporation Counsel James Sherman concluding that section 59.52(11)(c) of the Wisconsin Statutes does not permit pooling of health care costs on a self-insured basis between counties and county housing authorities.

In my opinion, the corporation counsel's opinion is correct.

Section 59.52(11)(c) of the statutes provides: "A county and one or more cities, villages, towns, or other counties that together have at least 100 employees may jointly provide health care benefits to their officers and employees on a self-insured basis." The Wisconsin Supreme Court has held that the express mention of certain items in a statute impliedly excludes all others. See *Appleton v. ILHR Department*, 67 Wis. 2d 162, 172-73, 226 N.W.2d 497 (1975).

Section 59.52(11)(c) mentions only cities, villages, towns and counties. Under sections 59.23(22)(a) and 66.1201(4)(a), a county housing authority is a separate "body corporate and politic" from the county itself. See 62 Op. Att'y Gen. 303 304 (1973). Since housing authorities are not mentioned in section 59.52(11)(c), they are impliedly excluded from its provisions.

You also state that "in order to survive financially we are going to have to find a solution to our health care crisis." You may wish to contact one or more members of the Legislature and request the introduction of a bill amending the statute. You may also wish to contact other county or municipal housing authorities to see how they are handling payment of their health insurance premiums.



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croenft@dej.state.wi.us  
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59.07 (2)(c)

1985 Act 29 section 1169m

SA13 to SA 99 to Gny AB 85



Chippewa County Housing Authority  
711 N. Bridge Street, Room 14  
Chippewa Falls, WI 54729

Phone: 715-726-7933  
Fax: 715-726-7936

November 30, 2006

Wisconsin Department of Justice  
Peggy A. Lautenschlager, Attorney General  
P.O. Box 7857  
Madison, WI 53707-7857

Dear Ms Lautenschlager:

Chippewa County Housing Authority is a public housing authority created by Chippewa County in 1971. We are a small agency (8 employees, 7 full time and 1 that works 40% time).

We are experiencing a health insurance crisis. Our premiums have had a steady increase over the last five years to the point of overwhelming our administrative funding resources. We were notified in October that our 2007 premiums were being raised 18% and still our benefits are being decreased considerably.

We are hoping to pool with the County for Health Insurance to save costs. When we approached them, the Corporation Counsel stated that the County is unable to pool with the Authority for health insurance as State law prohibits it. Please refer to the opinion from the Corporation Counsel enclosed with this letter.

We currently pool with the County for our workman's compensation insurance. It is a great savings to us and we would like to pursue the possibility of pooling with them for health insurance. It may be an uphill battle, but in order to survive financially we are going to have to find a solution to our health care crisis.

I appreciate any help that your office can provide in this matter. We anxiously await your response.

Sincerely,

Ruth Rosenow  
Executive Director



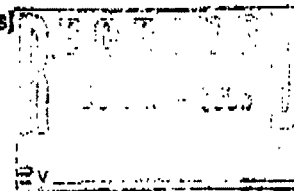
Equal Opportunity

This institution is an Equal Opportunity Employer and Housing Provider

**Connie Fisher**

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From: James Sherman [JSherman@co.chippewa.wi.us]  
Sent: Monday, January 03, 2005 8:24 AM  
To: Connie Fisher  
Cc: Michael J Murphy  
Subject: Health Insurance for EDC and CHA



Connie,

You had requested that I look into the viability and legality of including the Economic Dvlpmnt Corp and the County Housing Authority under the County's self-insured health insurance program. Pursuant to sec. 59.52(11)(c), Wis. Stats., Employee Insurance, "A county and one or more cities, villages, towns, or other counties that together have at least 100 employees may jointly provide health care benefits to their officers and employees on a self-insured basis." That section of the statutes would seem to imply that the county could jointly offer insurance to other municipalities, but not quasi-governmental agencies such as the EDC or the CHA. I do not believe that section would cover those two agencies.

In addition, I sent out an e-mail to the other corporation counsels in the state to see if any of the other counties are doing this or believe that it would be possible to cover the EDC or CHA. None of the counties that responded are currently covering those agencies. In addition, the feeling was that it probably isn't allowable pursuant to the statute cited above.

There was also the feeling that it may not be a good idea because we would not know what liability we would be assuming. I know that is essentially what we have now when we hire new employees, but why take on additional risk?

Finally, the other reason that I do not believe that the county could cover these quasi-governmental agencies is that if the legislature had intended to allow this, the legislature would have included quasi-governmental agencies in the statute. For instance, the CHA is covered under our Workers Comp program, I believe. That is allowable as a municipality as defined under sec. 102.01(2)(d), state., includes quasi-public corporations.

I hope that your questions have been answered. I know that they are having difficulty hiring and EDC director because of the health insurance issue, but I don't see how we can cover those employees. If you have any questions, please do not hesitate to contact me.

Jim  
James B. Sherman  
Chippewa County Corporation Counsel  
711 N. Bridge Street, #113  
Chippewa Falls, WI 54729  
715-726-4594

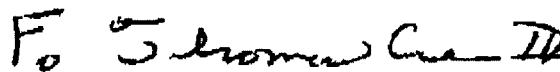
If you receive this e-mail in error, use or disclosure is prohibited.  
Please notify the sender immediately of the error by e-mail, and delete this e-mail.  
Thank you.



Ms. Ruth Rosenow  
January 9, 2007  
Page 2

I hope this information is helpful.

Sincerely,

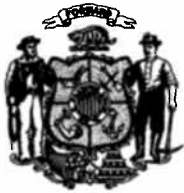


F. Thomas Creeron III  
Assistant Attorney General

FTC:cla

c: James B. Sherman  
Corporation Counsel  
Chippewa County

creeron.fym@sen.wisconsin.gov-keahinsurancepooling.doc  
061206012  
061206012



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-29420

MES. 3/1  
bjk  
jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2007 Bill

SA ✓  
X-ref ✓

gfr

- 1 AN ACT ...; relating to: expanding the types of governmental units that may  
2 participate in joint local governmental self-insured health insurance plan.

**Analysis by the Legislative Reference Bureau**

Under current law, any county with at least 100 employees may provide health care benefits to its officers and employees on a self-insured basis. Also under current law, a county and one or more political subdivisions (cities, villages, towns, or other counties) that together have at least 100 employees may jointly provide health care benefits to their officers and employees on a self-insured basis.

Under this bill, a county housing authority may participate with a county and one or more political subdivisions that together have at least 100 employees to jointly provide such benefits.

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

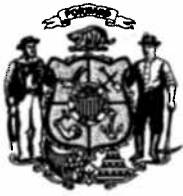
**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

- 3 SECTION 1. 59.52 (11) (c) of the statutes is amended to read:  
4 ✓ 59.52 (11) (c) *Employee insurance.* Provide for individual or group hospital,  
5 surgical and life insurance for county officers and employees and for payment of

1 premiums for county officers and employees. A county with at least 100 employees  
2 may elect to provide health care benefits on a self-insured basis to its officers and  
3 employees. A county and one or more cities, villages, towns, ~~or~~ other counties, or  
4 county housing authorities that together have at least 100 employees may jointly  
5 provide health care benefits to their officers and employees on a self-insured basis.  
6 Counties that elect to provide health care benefits on a self-insured basis to their  
7 officers and employees shall be subject to the requirements set forth under s. 120.13  
8 (2) (c) to (e) and (g).

**History:** 1995 a. 201 ss. 104, 111 to 115, 117 to 122, 124, 127, 134, 139, 140, 157, 174, 181, 185, 186, 190, 238, 242, 252 to 256, 354, 356 to 360, 414 to 419, 432; 1995  
a. 225 s. 135; 1997 a. 35, 237; 1999 a. 9, 83; 1999 a. 150 s. 672; 2001 a. 16, 104; 2003 a. 22, 59.

(END)



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-2942/1  
MES:bjk&jld:nwn

## 2007 BILL

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2 of governmental units that may participate in a joint local governmental  
3 self-insured health insurance plan.

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**BILL****SECTION 1**

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